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18 Laboratories Inc.

19 UNITED STATES DISTRICT COURT

20 DISTRICT OF NEVADA

21 RAVINDRANATH V. PUROHIT, an
22 individual,

23 Plaintiff,

24 vs.

25 ABBOTT LABORATORIES INC., a
26 Delaware Corporation; DOES I through
27 X, inclusive; and ROE BUSINESS
28 ENTITIES I through X, inclusive,

29 Defendants.

30 Case No. 2:25-cv-01026-JAD-EJY

31 **STIPULATION TO STAY
32 DISCOVERY PENDING MOTION
33 TO DISMISS**

1 Plaintiff Ravindranath V. Purohit and Defendant Abbott Laboratories
 2 Inc. (“Abbott”) stipulate to stay discovery for the following reasons:

3 1. In response to the complaint (ECF No.1-1), Abbott filed a motion
 4 to dismiss (ECF No. 12) on July 9, 2025. Plaintiff’s response is currently due on
 5 July 23, 2025.

6 2. The motion to dismiss seeks dismissal of all claims in this case,
 7 with prejudice, on the basis that Plaintiff’s claims re preempted by federal law under
 8 21 U.S.C. § 360k(a) (express preemption clause) and/or 21 U.S.C. § 337(a) (FDCA’s
 9 “no private right of action” clause).

10 3. The parties agree that the commencement of discovery should be
 11 stayed until this motion to dismiss is decided because, if granted, it will resolve all
 12 claims in this case and requires no discovery to decide nay issues in that motion.
 13 Fed. R. Civ. P. 1’s goal of a “just, speedy, and inexpensive determination of every
 14 action and proceeding” are best met by this temporary stay to conserve judicial and
 15 party resources. *See Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.
 16 2013).

17 4. The relevant factors that determine whether to stay discovery
 18 pending resolution of a potentially dispositive motion justify granting a stay here.
 19 *See Kor*, 294 F.R.D. at 581 (“[M]otions to stay discovery may be granted when: (1)
 20 the pending motion is potentially dispositive; (2) the potentially dispositive motion
 21 can be decided without additional discovery; and the Court has taken a ‘preliminary
 22 peek’ at the merits of the potentially dispositive motion and is convinced that the
 23 plaintiff will be unable to state a claim for relief.”).

24

1 For these reasons, the parties request the Court stay discovery pending
2 decision on ECF No. 12 and direct the parties to file a discovery plan and scheduling
3 order within 14 days after ECF No. 12 is decided if the case has not been dismissed.

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21 **ORDER**

22 IT IS SO ORDERED.

23 
24 UNITED STATES MAGISTRATE JUDGE

25 DATED: July 10, 2025